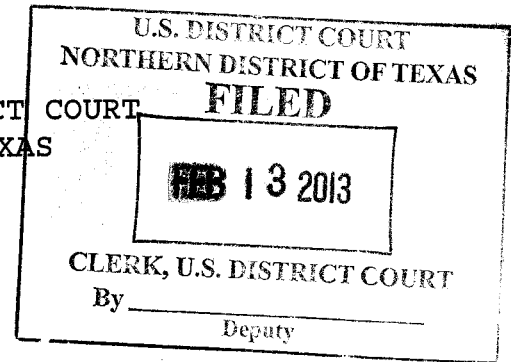


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



JERALD JEROME DORSEY,

Plaintiff,

VS.

FNU RELF, ET AL.,

Defendants.

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NO. 4:12-CV-021-A

MEMORANDUM OPINION

and
ORDER

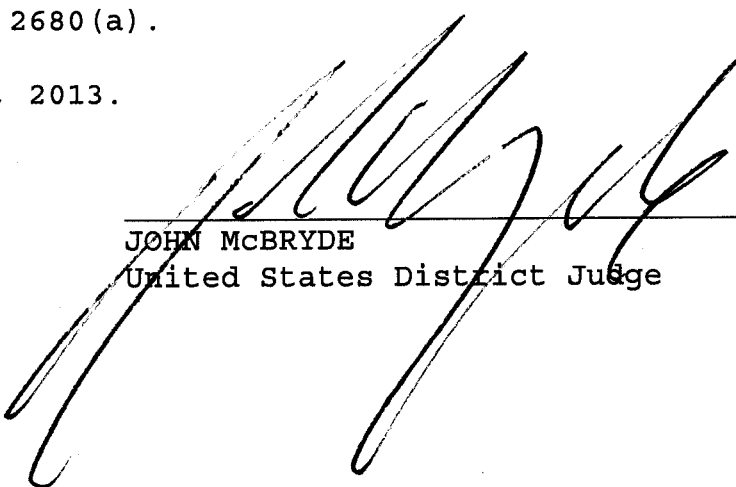
Now before the court for consideration is the motion for summary judgment filed in the above action by defendants, United States of America ("United States"), Thomas Relf, and Jordan Boone, to which plaintiff, Jerald Jerome Dorsey, has filed a response, and defendants have filed a reply. After considering the parties' filings it has occurred to the court that summary judgment may be appropriate for United States on plaintiff's claim of negligent hiring, training, and supervision on the additional ground, not raised in defendants' motion, that such a claim may be barred under the discretionary function exception to the Federal Tort Claims Act, 28 U.S.C. § 2680(a). See, e.g., LeRose v. United States, 285 F. App'x 93, *96-97 (4th Cir. 2008); Nurse v. United States, 226 F.3d 996, 1001-02 (9th Cir. 2000); Tonelli v. United States, 60 F.3d 492, 496-97 (8th Cir. 1995).

Accordingly, pursuant to Rule 56(f)(2) of the Federal Rules of Civil Procedure, the court is giving the parties an opportunity to file argument and authorities, as well as any supporting evidence they may have, on that subject.

Therefore,

The court ORDERS that by February 26, 2013, each party file a document containing argument and authorities, and accompanied by whatever evidence the party wishes to file in support thereof, on the subject of whether plaintiff's claims against United States for negligent hiring, training, and supervision are barred under the discretionary function exception to the Federal Tort Claims Act, 28 U.S.C. § 2680(a).

SIGNED February 13, 2013.



JOHN MCBRYDE
United States District Judge